

3739



Attorney Docket no: PHO-102 #11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Dees et al.

Serial No.: 09/130,213

Filed: August 6, 1998

For: Treatment Of Pigmented Tissues Using
Optical Energy

Examiner: J. Ram

Art Unit: 3739

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Christine A. Barglik
Christine A. Barglik

Date: August 27, 2001

Commissioner for Patents
Washington D.C. 20231

August 27, 2001

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

Sir:

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed August 20, 2001, enclosed herewith is a copy of the marked-up version of the amended Claim 55 which was inadvertently omitted from Amendment A submitted on August 8, 2001. Applicant respectfully requests favorable reconsideration and allowance of the claims as amended.

If any fee should be due for this amendment, please charge our deposit account 50/1039.

Respectfully submitted,

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Marked-up copy of the claims as amended:

Claim 55 (amended). A method for the treatment of a particular volume of tissue, said volume of tissue containing an endogenous pigment, the method comprising the steps of:

non-invasively treating the particular volume of tissue with light to promote thermal overload of pigmented cells in the particular volume of tissue, wherein said thermal overload kills said pigmented cells.